THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.1099 OF 2007

DATED 20th MARCH, 2007

BETWEEN:

Shaik Nanemmagari Halima Bi

… Petitioner

AND

The Mandal Revenue Officer, Udayagiri Mandal,
Nellore District and another.

… Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.1099 OF 2007

ORDER:

Aggrieved by Memo, dated 15.12.2006 issued by the first respondent directing the petitioner to stop construction in plot No.234 admeasuring Acs.0.07 cents pending enquiry, the present writ petition is filed seeking a writ of Certiorari to quash the said Memo.

The petitioner is resident of Vengalrao Nagar, Gandipalem, Udayagiri Mandal in Nellore District. She alleges that considering her application, Tahasildar, Udayagiri assigned house plot bearing No.247 in survey No.247 in 1995 in Vengalrao Nagar of Gandipalem. When she started constructing the house, second respondent issued impugned Memo without power or authority.

At the stage of admission, the first respondent filed counter affidavit. It is stated that in the construction of Gandipalem dam, the Chowdipally village got submerged. Therefore, all the villagers were rehabilitated in Vengalrao Nagar, 2 kilometers away from Gandipalem dam and a layout was prepared with five hundred plots. Plot Nos.233 and 234 were earmarked in layout as Peerla Chavidi. No patta was granted to the petitioner or any other person in respect of plot No.234. It is alleged that the patta produced by the petitioner bearing Dis.No.120/95 is bogus patta and ordinarily the house site pattas are given with Rc.B.Number.

The petitioner has not filed any reply affidavit. Learned Assistant Government Pleader also produced before this Court the layout originally sanctioned where the Vengalrao was developed as part of the rehabilitation scheme when Gandipalem dam was constructed in 1972-1974. As rightly submitted, plot Nos.233 and 234 are earmarked as Peerla Chavidi. Therefore, this Court does not find any infirmity or error in issuing Memo to the petitioner to stop construction. Now that it is revealed that patta was not granted to the petitioner in respect of Peerla Chavidi land. It shall be open to the first respondent to evict the petitioner under A.P.Land Encroachment Act, 1905.

The writ petition, with the above observations, is accordingly dismissed. No costs.

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(V.V.S.RAO,J)

20.03.2007.

pln